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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,623	09/15/2003	Yi-Ting Nancy Hsu	MR1841-66	7934
4586	7590	06/01/2005	EXAMINER	
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			GREENE, JASON M	
			ART UNIT	PAPER NUMBER
			1724	
DATE MAILED: 06/01/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/661,623

Applicant(s)

HSU, YI-TING NANCY

Examiner

Jason M. Greene

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.84(u)(1) because the single view has been identified as "Fig. 1". Specifically, 37 CFR 1.84(u)(1) states, in part, "Where only a single view is used in an application to illustrate the claimed invention, it must not be numbered and the abbreviation "FIG." must not appear." Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claims

2. With regard to claim 1, the Examiner notes that the transitional phrase "the features of which are that" has been interpreted as being open-ended.
3. With regard to claim 1, the Examiner has interpreted the phrase "the finely pulverized, naturally radioactive rare earth element" to mean that the air purification and physiological metabolism promoting health material comprises a finely pulverized, naturally radioactive rare earth element. If this interpretation is correct, the Examiner suggest Applicants rewrite the phrase "the finely pulverized" as "a finely pulverized" to clarify antecedent basis.
4. With regard to claim 4, the Examiner suggests Applicants rewrite the phrase "rare earth element mineral" as "rare earth element" to improve antecedent basis.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 2, the phrase "or other means" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or other means"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Zhou et al.

With regard to claim 1, Zhou et al. discloses an air purification and physiological metabolism promoting health material, the features of which are that finely pulverized, naturally radioactive rare earth element (cerium or yttrium) is in an exposed state and attached to the surface of a synthetic or natural base material (a fiber or textile) in col. 2, line 25 to col. 7, line 64. Specifically, Zhou et al. discloses the rare earth element being attached to the surface of a fiber in col. 2, lines 62-67 and to the surface of a textile in col. 7, lines 14-19.

With regard to claim 2, Zhou et al. discloses the finely pulverized naturally radioactive rare earth element being interlaced onto the base material in col. 2, lines 62-67 and col. 7, lines 14-19.

With regard to claim 3, Zhou et al. discloses the base material being constructed as a sheet (textile) in col. 7, lines 14-19.

With regard to claim 4, Zhou et al. discloses the rare earth element being blended for use as a single element or combination of two or more elements in col. 6, line 54 to col. 7, line 60.

9. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Takimoto.

The inventor named in the instant application is the assignee of the applied reference. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131. The Examiner notes that the applied reference qualifies as prior art under 35 U.S.C. 102(e) since it names a different inventive entity than the instant application.

With regard to claim 1, Takimoto discloses an air purification and physiological metabolism promoting health material, the features of which are that finely pulverized, naturally radioactive rare earth element is in an exposed state and attached to the surface of a synthetic or natural base material (filtering member 3) in Fig. 1 and col. 2, lines 15-53. The Examiner notes that since the ions generated by the intake air filter will be emitted into the atmosphere through the engine exhaust gas, the air purification material of Takimoto is also inherently a physiological metabolism promoting health material.

With regard to claim 2, Takimoto discloses the finely pulverized naturally radioactive rare earth element being interlaced or adhesively bonded onto the base material in col. 2, lines 39-53.

With regard to claim 3, Takimoto discloses the base material being constructed as a sheet (the filter member substrate) in Fig. 1 and col. 2, lines 14-53.

With regard to claim 4, Takimoto discloses the rare earth element being blended for use as a single element or combination of two or more elements in col. 2, lines 39-40.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Sacks, Widdemer, Kikuta, Fujishima et al., Konishi et al., Sadato et al. and White et al. references disclose similar materials.

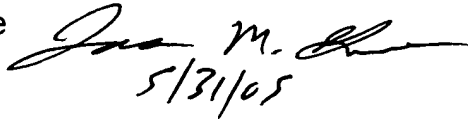
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Greene whose telephone number is (571) 272-1157. The examiner can normally be reached on Monday - Friday (9:00 AM to 5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason M. Greene
Examiner
Art Unit 1724



5/31/05

jmg
May 31, 2005